

CHARTER REVIEW COMMISSION
Meeting Minutes

For the Meeting Held On : August 20, 2015

Meeting Time : 6:30 pm

Location : Council on Aging – Media Room

Address : 328 North Main Street, East Longmeadow, MA

Meeting Posted On... **Day:** Friday **Date:** 08 / 07 / 2015
(48 hrs required)

Is Meeting Being Recorded by Digital Recorder: Yes ☒ No ☐

The Minutes of this Meeting are being taken by: Marge Larocca

Committee Members: (check if attended)

Dawn Starks	✓	Russell Denver	✓	William Fonseca	✓	George Kingston	✓
Larry Levine	✓	Eric Madison	✓	Raymond Miller	✓	Tom O'Connor	✓
Ralph Page	✓						

Attendees: Tanya Stepasiuk, Mike Ward, Marge Larocca

Did the Chair release any prior Executive Session Minutes?

Yes		No	x
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Dates of Executive Session Released :

TOPIC / MATTER #1

Meeting Minutes Approval – August 6, 2015

Summary of Matter Discussed :

- The Chairman opened the meeting with a roll call, and invited the Collins Center consultants to introduce themselves.
- The Meeting Minutes of August 6, 2015 were reviewed. A motion was made to accept them. The motion was seconded. Discussion followed to amend the 5th bullet under Topic #1 to: The Chairman announced that the *result of the motion that was approved* is that the Legislative form will be Town Council. The 9th bullet under Topic #1 was amended to include the wording of the first paragraph in the "Eligibility" section of the Sample Legislative Branch Article. A motion was made to accept the meeting minutes as amended. The amended motion was seconded and all were in favor to accept the Meeting Minutes as amended.

Documents or Exhibits for this Matter:

- Charter Commission Meeting Minutes: August 6, 2015

Votes Taken Under this Matter :

- The Meeting Minutes of August 6, 2015 were reviewed. A motion was made to accept them. The motion was seconded. Discussion followed to amend the 5th bullet under Topic #1 to: The Chairman announced that the *result of the motion that was approved* is that the Legislative form will be Town Council. The 9th bullet under Topic #1 was amended to include the wording of the first paragraph in the "Eligibility" section of the Sample Legislative Branch Article. A motion was made to accept the meeting minutes as amended. The amended motion was seconded and all were in favor to accept the Meeting Minutes as amended.

TOPIC / MATTER #2

Continuation of Discussion/Deliberation of Legislative Branch

Summary of Matter Discussed :

- The Chairman stated that during the previous meeting, it was determined that the Legislative Branch would be a Town Council, and she followed with a description of items that need further discussion: the positions of the members of a Town Council being “by Precinct” vs “At Large” and, restrictions on whether a Town employee could be a member of the Town Council.
- A motion was made that all seven members of the Town Council are to be elected to be “At Large”. The motion was seconded and discussion followed. All were in favor of the motion.
- A discussion began next about compensated Town employees being able to run as an “At Large” Town Councilor.
- A motion was made to allow compensated Town employees to serve on the Town Council. The motion was seconded. Discussion followed about established laws regarding conflict of interest, and about scenarios that a compensated Town employee might encounter as a Town Councilor. The vote was as follows: 7 in favor and 2 opposed.
- Ms. Stepasiuk spoke on the topic of whether or not to have a compensation section under the Composition section. Discussion followed about the compensation start point level for the Town Council.
- A motion was made: That the starting point of compensation for the Town Council is to be the current rate of the Board of Selectmen. Thereafter, the compensation rate shall be set in the Annual Town budget. The motion was seconded. Discussion followed about fair compensation and whether Town employees are designated as a “special employee” if they were to serve on Town Council. All were in favor of the motion.
- Conversation started on the next section of the Sample Legislative Branch Article: President, Vice President & Clerk. Mr. Madison made a motion: At the first Council meeting following each regular Town Election, the Council shall choose from its membership a President and Vice President each to serve for a one year term of office. The President shall prepare the agenda for Council meetings. The President shall preside at all meetings of the Council, regulate its proceedings and decide all questions of order. The President shall appoint all members of committees of the Council, whether special or standing. The President shall have the same powers to vote upon measures coming before the Council as any other member of the Council. The President shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the Council. The Vice President shall preside in the absence of the President. The motion was seconded. Discussion followed. It was motioned to amend the second part of the motion to read The President shall prepare the agenda for Council meetings *consistent with any rules adopted by the council*. The amended motion was seconded. Discussion followed about what defines a super majority. All were in favor of the amended motion.
- A motion was made that the charter further defines that a super majority is five out of seven members of the council. The motion was seconded and all were in favor.
- A motion was made to amend to add that the Council may reorganized itself at any time during the year by a super majority vote of its membership. The motion was seconded and all were in favor.
- A motion was made to accept the original motion as amended. The motion was seconded and all were in favor.
- Discussion followed about the language in the Sample Legislative Branch Article that

pertains to the Clerk. A motion was made to establish the language that reads: The Town Clerk shall be the Clerk of the Council. The Town Clerk shall give notice of all Council meetings to its members and to the public, maintain a journal of all Council proceedings and perform such other duties as may be assigned by this Charter, ordinance or other rules of the Council. The Town Clerk shall receive no stipend for the additional duties of Clerk of the Council but his/her compensation level shall be set to reflect such duties. Discussion followed the Clerk's position. The motion was seconded and all were in favor.

- Discussion began next about vacancies. A motion was made that vacancies which occur in the offices of President or Vice President shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies shall be for the remainder of the one year term of office. The motion was seconded and all were in favor.
- Discussion began next about the section pertaining to Council Procedures. Ms. Stepasiuk gave an explanation of the information shown in the section. Discussion followed about the number of members required to call a Council meeting. A motion was made to amend the language of the Council Procedures section with the number three for the number of members required to call a Council Meeting. The motion was seconded and all were in favor.
- A motion was made to adopt the language, as written (in the Council Procedures Section of the Sample Legislative Branch Article): *Regular meetings of the Council shall be held at a time and place fixed by ordinance. The Council shall meet regularly at least once in each month. Special meetings may be held at any time if called by the President or by three members of the Council, provided that for any special meeting at least 48 hours personal notice shall be given to each Council member, except in case of emergency as defined by the "Open Meeting Law" of the Commonwealth. Further, all Council meetings including any subcommittee thereof shall be conducted in accordance with such law. All Meetings of the Council and any such subcommittees thereof shall be open to the public, and residents, employees and any other interested parties shall have a reasonable opportunity to be heard at any such meeting, except as otherwise provided by the laws of the Commonwealth regarding Executive Session. (Sentence excluded in subsequent motion: ~~The Council shall adopt such rules and regulations as may include a reasonable advance notice requirement so that public participation shall occur in an orderly fashion.~~) Sentence amended in subsequent motion: **Any such rules and regulations adopted by the Council may also include time limitations on public comment.** A majority of the full Council shall constitute a quorum for the purpose of conducting business. The Council shall from time to time establish written rules for its proceedings. A full, accurate, up-to-date account of the proceedings of the Council shall be maintained by the Town Clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting; provided, however, that unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session. The motion was seconded. Discussion followed about the language of the article.*
- A motion was made to amend the previous motion to exclude the second to last sentence in the second paragraph, and to amend the last sentence to: *Any Such rules and regulations that may be adopted by the Council also include time limitations on public comment.* The motion was seconded and all were in favor.
- A motion was made to accept the original motion with the amended language. The motion was seconded and all were in favor.

- Discussion followed about the form & authorities of a Town Council government, and about the strength of powers of a Town Administrator or Town Manager. Comments by the members were made regarding their views on a Mayor or Town Manager form of government. It was noted that it needs to be very clear in defining the rolls & powers of a Town Manager. A conversation followed about research questions for the next meeting and the timeframe for completing the major components of the Legislative section.

Documents or Exhibits for this Matter:

- Sample Legislative Branch Article

Votes Taken Under this Matter :

- A motion was made that all seven members of the Town Council are to be elected to be "At Large". The motion was seconded and discussion followed. All were in favor of the motion.
- A motion was made to allow compensated Town employees to serve on the Town Council. The motion was seconded. Discussion followed about established laws regarding conflict of interest, and about scenarios that a compensated Town employee might encounter as a Town Councilor. The vote was as follows: 7 in favor and 2 opposed.
- A motion was made: That the starting point of compensation for the Town Council is be the current rate of the Board of Selectmen; thereafter the compensation rate shall be set in the Annual Town budget. The motion was seconded. All were in favor of the motion.
- Mr. Madison made a motion: At the first Council meeting following each regular Town Election, the Council shall choose from its membership a President and Vice President each to serve for a one year term of office. The President shall prepare the agenda for Council meetings. The President shall preside at all meetings of the Council, regulate its proceedings and decide all questions of order. The President shall appoint all members of committees of the Council, whether special or standing. The President shall have the same powers to vote upon measures coming before the Council as any other member of the Council. The President shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the Council. The Vice President shall preside in the absence of the President. The motion was seconded. Discussion followed. It was motioned to amend the second part of the motion to read *The President shall prepare the agenda for Council meetings consistent with any rules adopted by the council.* The amended motion was seconded. Discussion followed about what defines a super majority. All were in favor of the amended motion.
- A motion was made that the charter further defines that a super majority is five out of seven members of the council. The motion was seconded and all were in favor.
- A motion was made to amend to add that the Council may reorganized itself at any time during the year by a super majority vote of its membership. The motion was seconded and all were in favor.
- A motion was made to accept the original motion as amended. The motion was seconded and all were in favor.
- A motion was made to establish the language that reads: The Town Clerk shall be the Clerk of the Council. The Town Clerk shall give notice of all Council meetings to its members and to the public, maintain a journal of all Council proceedings and perform such other duties as may be assigned by this Charter, ordinance or other rules of the Council. The Town Clerk shall receive no stipend for the additional duties of Clerk of the Council but his/her compensation level shall be set to reflect such duties. Discussion followed the Clerk's position. The motion was seconded and all were in favor.
- A motion was made that vacancies which occur in the offices of President or Vice President shall be filled at the next regular Council meeting following the vacancy. All

appointments to fill vacancies shall be for the remainder of the one year term of office. The motion was seconded and all were in favor.

- A motion was made to amend the language of the Council Procedures section with the number three for the number of members required to call a Council Meeting. The motion was seconded and all were in favor.
- A motion was made to adopt the language, as written (in the Council Procedures Section of the Sample Legislative Branch Article): *Regular meetings of the Council shall be held at a time and place fixed by ordinance. The Council shall meet regularly at least once in each month. Special meetings may be held at any time if called by the President or by three members of the Council, provided that for any special meeting at least 48 hours personal notice shall be given to each Council member, except in case of emergency as defined by the "Open Meeting Law" of the Commonwealth. Further, all Council meetings including any subcommittee thereof shall be conducted in accordance with such law. All Meetings of the Council and any such subcommittees thereof shall be open to the public, and residents, employees and any other interested parties shall have a reasonable opportunity to be heard at any such meeting, except as otherwise provided by the laws of the Commonwealth regarding Executive Session. (Sentence excluded in subsequent motion: ~~The Council shall adopt such rules and regulations as may include a reasonable advance notice requirement so that public participation shall occur in an orderly fashion.~~) Amended sentence: **Any such rules and regulations adopted by the Council may also include time limitations on public comment.** A majority of the full Council shall constitute a quorum for the purpose of conducting business. The Council shall from time to time establish written rules for its proceedings. A full, accurate, up-to-date account of the proceedings of the Council shall be maintained by the Town Clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting; provided, however, that unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session. The motion was seconded. Discussion followed about the language of the article.*
- A motion was made to amend the previous motion to exclude the second to last sentence in the second paragraph, and to amend the last sentence to: *Any Such rules and regulations that may be adopted by the Council also include time limitations on public comment.* The motion was seconded and all were in favor.
- A motion was made to accept the original motion with the amended language. The motion was seconded and all were in favor.

8:28 PM: Motion to Adjourn

Next Meeting: September 3 , 2015 – 6:30PM – 328 North Main St. – Media Room

MEETING FOLLOW UP:
PRIOR MEETING NOTES:
Draw up bios for Charter webpage ~ <i>Completed</i>
Write monthly updates for webpage ~ <i>Ongoing</i>
October 15, 2015 – date for Public Hearing

